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ABSTRACT

Fundamentally, negotiation is a process for making decisions and is rhetorical since it is open to view and to rhetorical constructs. The rhetorical construct related to negotiation is invention, the finding of the materials, the arguments, for the discourse. For cross-cultural negotiation, one must display empathy for the varying cultures, recognize the role of government, understand the decision-making characteristics of other countries, and recognize personal relations and personalities. Futurists can assist in preparing for negotiations by identifying goals to be achieved and strategic pathways to the achievement of those goals. Two forecasting tools that relate to goal- and contingency-creating with applicability to the rhetoric of negotiation are the Relevance Tree and Morphological Analysis. The Relevance Tree method can assist in the determination of several alternative goals for negotiation (the formula), while the Morphological Analysis can assist in creating several pathways to the goals by identifying and incorporating the details. Rhetorical analysis can aid the negotiator in discovering and utilizing arguments not in a fixed, invariant manner leading to bargaining impasse, but to a contingent, flexible plan leading to agreement. (HOD)

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DEVELOPING CONTINGENCIES: The Role of Invention in Framing Arguments for Negotiations in Cross-Cultural Settings

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Negotiation has many synonyms: bargaining, wheeling and dealing, compromising, making deals, reaching agreements after disagreement, making arrangements, getting tacit understandings, mediating, power brokering, trading off, exchanging and engaging in collusion (Strauss, 1978). By whatever name negotiation occurs within diverse social settings: in dyadic and triadic relationships, within small groups, between groups, within and between organizations, between nations engaged in commerce and nations at war, and someday perhaps even between our earth and some other planet. The diversity of setting has bred a diversity in the methods of research and theory applied to negotiation. Studies have been classified into at least seven general approaches (Zartman, 1976) each emphasizing different variables:

1. historical description of particular negotiations--case studies
2. contextual study of the contents--outcomes related to historical development of negotiation or history itself
3. structural analysis--outcomes found in the patterns of relationships between parties and goals
4. strategic analysis--emphasizing choice as a function of the values at issue and the opponents' selection patterns
5. personality of negotiators--relating negotiated outcomes and bargaining acts to personality types

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6. negotiator skills--the use of tactics, strategies, and power to affect outcomes
7. learning process--the challenge-and-response nature leads to the mutual revelation of the position of the other (Strauss, 1978).

Regardless of the descriptive labels (negotiation and bargaining with be used interchangeably) or the social setting or the research approach, negotiation is a persuasive activity (Reiches & Harral, 1974). As such, the tools of persuasion ought to be applicable to the preparation for the performance within the actual negotiation. The purpose of this paper is to apply the concept of rhetorical invention to the preparation of participants for negotiations. While the view is understandably American, effort has been made to relate the concepts described to cross-cultural settings. The paper will briefly describe the process of negotiation, demonstrate it is a rhetorical activity and describe tools and a scheme for their use in establishment of argumentative contingencies.

Characteristics of Negotiation

Fundamentally negotiation is a process for making decisions, choices between conflicting alternatives (Peterson, 1976). Zartman (1977) categorizes negotiation as one of three modes of social decision-making along with coalition and judication. Each mode differs from the other two in terms of method, outcome and power. Coalition is described as choice by numerical aggregation. The decision springs from the joining of individual units into a whole which is more powerful than other units. Decision by coalition is O-sum in that one side wins, one loses. The coalition wins only if big and powerful enough to impose choice upon the

other units. No one unit has power over any other until the process of coalition-formation itself becomes oe-rative. That is, power ability follows the unification of two or more units.

Judication is a hierarchial process within which the disputants plead before a judge or executive. The adjudicator makes the choice which may form a single rather than combination, decision. That is, the choice may be independent of the arguments of the pleading parties. The outcome of the choice may range from 0-sum to +-sum depending upon the decision of the judge. Unlike the other two modes, the disputing parties give power away by relinquishing the right of choice to the adjudicator, a third party and outside the initial conflict (Pospisil, 1967).

Negotiation differs from the other two modes of social decision-making. The disputing parties compromise their conflicting positions into a single agreement, one binding upon both. As such, the process can be described as a +-sum exercise since, presumably, both sides prefer the compromise to other alternatives including the status quo. Unlike coalition, when the units in coalition can change, the parties are fixed. Yet each brings flexible positions to the process; their initial positions may be altered during the bargaining. Each disputant has influence over the other, each seeking to achieve their maximum goals yet succumbing to the persuasive efforts of the other as they create an agreement. Negotiation, therefore, imposes a relationship upon the participants, a relationship which contains the following characteristics:

1. at least two parties
2. parties have a conflict of interest with respect to some issue
3. parties temporarily joined in a voluntary relationship

regardless of previous experiences with each other

4. the activity in the relationship, concerns (a) division or exchange of resources and/or (b) resolution of intangible issues
5. involves the sequential presentation of demands, evaluation of those demands, concessions and/or counterproposals (Zubin & Brown, 1975)
6. on some issues agreement between participants is the general outcome so that no important benefit can accrue to either party until both parties have accepted the terms (Cross, 1969).

This last characteristic de-emphasizes conflict, the "we-they" aspect so associated with bargaining (Kemerer, 1976). Suggesting agreement the general outcome of negotiations leads to the following observation: negotiation, certainly when occurring outside the laboratory, is a cooperative activity and that "the few-holds-barred character of open conflict is simply inappropriate to such a situation" (Cross, 1977, 585). When negotiation is placed within the labor relations arena, where bargained-contract-binding on both parties is enforced by the courts, open conflict leads to distrust, suspicion and an inability to properly manage the resulting contract. Bargaining, therefore, is a cooperative mode for making choices from between conflicting positions. The persuasive tactics used to forge a decision are competitive but not necessarily combative. While the imposed relationship between the negotiating parties is usually described as adversarial, the usual conclusion that bargaining is a "win-at-all costs" and/or "a power game," is false as a description of the process as practiced in reality (Zartman, 1977).

7. occurs within a social context which influences the process and the outcomes (Kapoor, 1975).

Some contexts exert greater influence upon the process and outcomes than others. Labor relations exemplifies one context in which the context itself has considerable influence. First, the housing society itself permits the negotiators the authority to bargain and reach agreement (DeScisiolo, 1975). The societal right and/or ability to give or withdraw the authority varies to the extent the society elects its government. In multinational negotiations the governments of countries in which the corporations are housed tend to be more involved in the process than in the U.S. or Canada (Kapoor, 1975). One reason why negotiations are governmentally influenced is that there exists no world society, no world government, to give authority for regulation of the process to some international legal agency (Aubert, 1967). With no external agent able to apply sanctions, the government impinges upon the negotiations. Second, the courts as a regulatory institution of society, enforce the legal rules for bargaining and the contract administration (Aubert, 1967). In the U.S. and Canada (Murg & Fox, 1978) federal legislation specifies the courts as a potential adjudicator of labor disputes. Under such legislation, when negotiation leads to impasse and the mediators, arbitrators or courts intervene, the persuasive effort shifts from the one opponent attempting to change the other opponent to attempting to influence the new third party. In this case negotiation takes on the characteristics of judication--the third party makes the choice having been given power by the participants. This potential for shift in decision-making mode impacts upon the types of arguments participants use in

the negotiations. Ultimately any argument used to influence a foregoing opponent may be exposed and evaluated by the adjudicator. What may seem persuasive in one context may be offensive in the other. Bargainers, recognizing the possibility that any argument may be presented in court need to initially frame their arguments to be persuasive and consistent in both settings.

8. communication is central to the process (Walcott et. al. 1977). The previous characteristics refer to communication activities. Indeed, the "discovery of dispute," "joining in relationship," "presenting demands and counterproposals," and "determining agreement" seem meaningless statements unless communication is assumed. Walcott (1977) argues that the communication is persuasive in nature although not exclusively. Other types of messages are sent within negotiations; e.g. sharing of factual information or stating the position of the opponent in both cases for the purpose of alleviating misunderstanding. Using an interaction analysis system called Bargaining Process Analysis, Walcott and Hopman (1975) have detected thirteen message types which can be categorized into five clusters:

1. substantive behavior: initiations, accomodations, retractions
2. strategic behavior: commitments, threats, promises
3. task behavior: agreements, disagreements, questions, answers
4. affective behavior: positive negative
5. procedural behavior: subject changes, etc.

The quality of the bargaining system can be described as ratios of the types of messages recorded. For example, "soft bargaining" is a ratio of initiations, accomodations and promises to the total number of messages

sent within a given period; "hard bargaining" is a ratio of retractions, commitments and threats to the total number within a given period.

If communication is central to bargaining, and if many of the messages intend to influence the position of the opponent, can bargaining be viewed from a rhetorical perspective?

Rhetoric and Negotiation

Barbara Sharf (1979) provides the basic argument for affirmatively answering the question of applicability of rhetoric to negotiation. Her basic argument is that a contemporary conception of rhetoric should study functional discursive qualities rather than be limited to only those speech acts found within a given context. She defines a rhetorical quality as discursive acts "inducing cooperation through the creation of a symbolic vision or reality in which others identify and participate" (22). Rhetorical acts, therefore, can be conceived as goal-oriented (inducing cooperation of others to some end) and strategic (adapting form and content of the symbolic vision toward the other whose participation in the symbolic vision is sought). The greater the degree of intentionality of motivations, goals and strategies, the more likely the discourse has rhetorical quality.

Demonstrating that the characteristic "audience-addressed" is a functional rather than a contextual consideration, Sharf concludes that

> It is the connections between speaker and listener, or between persons who are alternately speakers and listeners--why they have come together, what they seek to obtain from one another, how each perceives the other--that will shape goals and generate symbolic strategies (24).

In using the notion of alternating roles of speaker and listener, she

attempts to demonstrate that transactional non-public address happenings can be viewed rhetorically. The transactional qualities of discourse can be included in the realm of rhetoric because (a) each communicator responds to symbolic strategies from his/her own perspective, and (b) the participants have coexistent sets of rhetorical actions, responding with unique symbolic choices. She notes that these sets of rhetorical actions can be complementary (functioning to achieve mutual goals) or competing functioning to achieve conflicting goals).

Abstracting qualities of discourse which define situations considered rhetorical can be listed: (1) two or more parties, (2) each party having some goal for the discourse, (3) each party having expectations of the other particularly relevant to goal-achievement, (4) each alternately serving as sender-receiver of (5) symbolic messages, intending to induce cooperation, and (6) occurring within conjoint time and space. This list appears similar to the listing of negotiation characteristics presented earlier. Indeed, using Sharf's analysis, we may conclude that all negotiations are rhetorical, open to view and/or to use rhetorical constructs. An interesting aside also begins in the Sharf article. She rejects Scott's criterion for selecting rhetoric as a subcategory of communication, a subcategory marked by the characteristic "eventuates in public discourse" (23). Scott's criterion is contextual not functional. The audience-addressed, not the context, ... more properly defines rhetorical concerns. But from our analysis, on the occasion when negotiations move away from the bargaining table to the judicial bench, the "publicness" criterion is also met. From either scheme, negotiation is rhetorical.

Invention of Arguments

The rhetorical construct to be related to negotiation in this paper is invention, the finding of the materials, the arguments, for the discourse (Wallace, 1970). Traditionally, the rhetorician has sought potential lines within the topoi (Huseman, 1964), the topics or common terms that would serve as aides in the building of a persuasive case. The general topics (koinoi topoi) suggest the form for arguments (Huseman, 1964). Aristotle's Rhetoric recommends four: more/less, magnifying/minifying, past/future, and possible/impossible (Cooper, 1960). Bargaining arguments can be found using the general topoi. The negotiations which opened the way to U.S.-China cooperation utilized the technique of minifying the differences between political systems while magnifying the similarities between cultural goals (Kissinger,). The Japanese Federation of Iron and Steel Workers are willing to control inflation as a first priority in labor negotiations instead of seeking higher pay raises. This attitude springs from the more/less technique--if inflation is controlled, then a lesser wage increase will have more purchasing power for the employees (WSJ, 1980).

Special topics (loci which may be useful in any particular cross-cultural negotiation can be found in the literature and in the law. In describing the disputing law of ten societies, Nader and Todd (1978) identify several dimensions which may be considered as potential sources for argument:

1. structure of social relationships--is the relationship between disputants expected to continue (e.g. in U.S.-Mexican negotiations on gas and oil)? to terminate when the dispute is settled? what ties do opponents have to outsiders with which each must deal separately?

2. control of scare resources--is the resource more important than the relationship? (e.g. the U.S. hostages in Iran) the resource tangible? renewable? intangible? nonrenewable? (e.g. international prestige)

3. distribution of power--which parties in any given culture are in control of the power equalizers? (e.g. who controls the courts within a particular country?) what access to these sources of power do the negotiating opponents have?

4. aims of the opponents--to what socio-ethnic group do they belong? what are the person's goals for the dispute? what reasons does the opponent have for preferring negotiation over other forms of conflict resolution? accessibility of other forums for resolving the dispute?

5. time--at what point in the total conflict have negotiations been introduced? will one party benefit by expediting the negotiations? by delaying? how much time is available for negotiation? (e.g. the Iranian terrorists in London demanded negotiations in terms of hours; the U.S.-Soviet SALT negotiations are described in terms of years)

6. costs--what are the direct/indirect costs of negotiation? who will bear the costs? the opponents solely? others? will the costs of negotiations be recouped by the settlement?

7. the culture--what values, ideal, attitudes, perceptions exist in the cultures of the opponents?

Describing negotiations of the multinational corporations, Kapoor (1975) also provides topoi for cross-cultural negotiation by specifying major past mistakes. While apparent overlaps exist between Kapoor and Nader, the schemes are informative of lines of argument. The first area of error is a lack of empathy for the varying cultures by the negotiators: the failure to recognize different ways of thinking, insufficient consideration for the saving-of-face by the opponent, and general lack of knowledge of the host country. He asserts the U.S. is particularly negligent in this area, citing an example involving Singapore. In the 1960's Singapore sought outside investment; government officials received

letters addressed to "Singapore, care of the Republic of China." (7) A separate political entity, government officials of Singapore were insulted and questioned the competence of those companies so insensitive. The second major error is the failure to recognize the role of government in planning and regulating business and industry. The specific failures include misunderstanding of government in planned economics, the lower status of businesspersons, and the expectation that each negotiator's government (power?) may apply pressure upon the participants or agencies related to the negotiators. The third general area of error is the lack of understanding of the decision-making characteristics of other countries. Bargainers fail to recognize the different weights assigned to political and economic creteria in decision-making. Or, negotiators fail to understand the internal organization of another country where approval at one level may not lead to implementation at another. The recent unwillingness of U.S. unions to unload Soviet ships is an example of this phenomenon. Fourth, negotiators fail to recognize personal relations and personalities in the negotiating countries. For example, Mr. Valaquez, leader of the CTM in Mexico is attributed with enormous power to influence decisions ranging far beyond labor relations (WSJ, 1980).

Kapoor graphically depicts the context of negotiations at the international level, a display which identifies the major sources for potential arguments by cross-cultural negotiators.

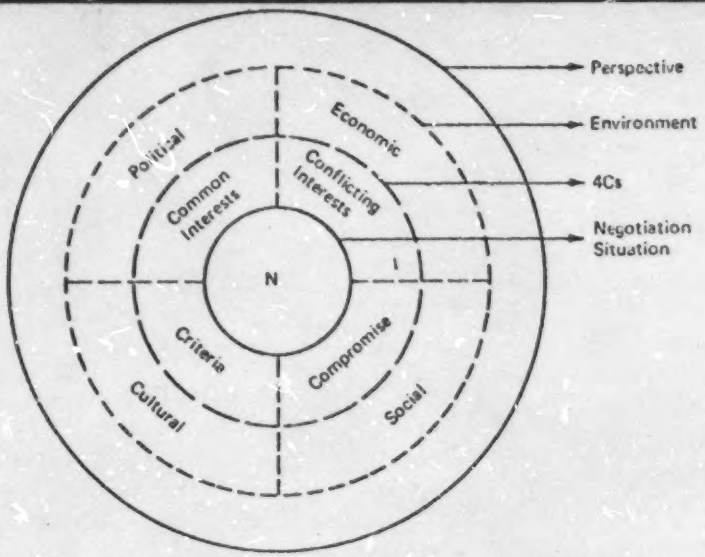


Figure 1. The Context of Negotiation (Kapoor, 2)

Implicit as a topoi two previous conceptions of negotiation is the opponent him/herself. Negotiation is a mixture of individual and organizational motives (Bartos, 1977). Knowledge of the opponent's attitudes, values, past experiences in negotiations and estimates of maximum and minimum positions can provide lines of argument (Nierenberg, 1973). Knowledge of the opponent suggests argument lines in non-cross-cultural settings as well. In a recent conversation with a teacher union advisor he reported that recent negotiations had gone well, a contract signed months before the start of school. The reason, he observed, was that the teams had not changed and that everyone "knew everyone else." Both sides "knew what to do to who when."

Finally, the law under which the negotiations will take place provides lines for argumentation (Kerr, 1973). The legal system can be subsumed under the general category of "knowledge of the country" or "environment," but the importance of law merits comment. Questions which lead to argument are: what are the constitutive and statutory laws governing the case? What have been the interpretations of existing laws and regulations? For example, the National Labor Relations Board in the U.S. has determined

what issues are mandatory topics for bargining:

Grievance procedures	Procedures for dismissal
Hours and schedules	Agency shop fee
Contracting work with outside agencies	Dues checkoff
Pension and retirement plans	Maintenance of membership
Insurance	Impact of retrenchment
Reimbursement for educational costs	Wages, salaries, merit
Sick leave	Assignment and wages for extra activities
Holidays	Management rights clause
Employer business procedures	Safety rules

(Kemerer, 1976)

An example of cultural differences in law may be found in the British Industrial Relations Act (1971), which unlike U.S. law prohibits closed or union shop as a condition of employment (Anton, 1973). Other relevant questions which lead to potential lines of argument inquire into the nature of grievance reports and arbitration decisions, fact-finding reports (Hankin, 1977). In Mexico, the Ley Federal Del Trabajo does not describe any grievance or arbitration procedures (Murg & Fox, 1978). If bargainers can anticipate that binding arbitration is not a means out of impasse, they can develop table arguments differently. What tangential legal decisions can impact upon the negotiation? (e.g., Civil Rights Act requirements upon the make-up of the workforce.) Do international precedence and practice exist? In the on-going Iranian hostage crisis, international law was used as a means of applying pressure to the government (not the terrorists) of Iran with hopes of securing the release of the Americans. The International Court was convened and the case heard.

The point is that the general topics of rhetorical tradition can be applied to the negotiation format and special topics, for creating specific arguments to international bargaining settings can also be identified.

Developing Rhetorical Contingencies

Recall Sharf argued that for rhetoric to be useful outside of the public speaking arena, the notion of transcation needs to be included in rhetorical conceptualizations (1979). That is, each person brings to negotiations a set of rhetorical actions, based upon symbolic choices, and responds to the other participants in a symbolic manner. The purpose is to produce a shared symbolic conception of reality; stated in negotiation terms, to reach agreement which will shape the future. To bring transactional concerns into rhetorical study, however, requires new methodologies several of which are identified by Sharf (1977, p. 28-29).

One additional source of methodological tools with potential for the rhetoric and rhetorical critic of negotiations, may be located in future studies. Futurists are concerned with the forecasting and/or predicting of future events (Hencley & Yates, 1974). Their objective is the identification of how the future might appear and to prepare contingencies for accommodating several different futures (Martino, 1972). Most of these tools for forecasting assume the systematic model including the mutual impact of internal and external forces upon the system. Many futures' tools are goal-oriented and take into account the mutual impact of forces. As such, they can assist the rhetor in preparing for negotiations by identifying (a) goals to be achieved and (b) strategic pathways to the achievement of those goals. They assist the critic in locating goals and strategies in post hoc analysis. Two such forecasting tools which relate to goal- and contingency - creating with applicability to the rhetoric of negotiation are the Relevance Tree and Morphological Analysis.

Two reasons recommend the use of Relevance Trees and Morphological

Analysis. The first is practical--each is relatively easy to do. The second is theoretical--combined, they produce goals and pathways which adhere to the formula-detail approach to negotiations advocated by Zartman (1977). He criticizes other theoretic approaches to negotiations, particularly the concession/convergence position, as lacking "correspondence with the way things take place" (628). Negotiation proceeds through the finding of a proper formula for decision and the creation of implementing detail. In bargaining:

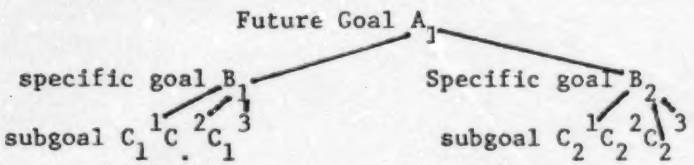
> . . . negotiators seek a general definition of the items under discussion, conceived and grouped in such a way as to be susceptible to joint agreement under a common notion of justice. Once agreement on a formula is achieved, it is possible to turn to the specifics of items and to exchange proposals, concessions and agreements. Even then, details are resolved most frequently in terms of the referents which justify them and give them value rather than in their own intrinsic values. This means that convergance does not take place by inching from fixed positions toward a middle, but rather by establishing a referent principle from which the value of the detailed item will be derived (628-29).

Several cross-cultural examples are given to substantiate the claim that formula-detail better describes reality than other conceptions of negotiations. Our point is that the Relevance Tree method can assist in the determination of several alternative goals for negotiation (the formula) while the Morphological Analysis can assist in creating several pathways to the goals by identifying and incorporating the details.

Relevance Trees

The Relevance Tree approach is an off-spring of the Critical Path Method of forecasting. The Tree creates a normative forecast beginning in the future (the goal to be achieved or problem solved) and works back to the present (Hencley & Yates, 1974). The method helps to identify

interrelationships between various goals (or problems) and alternative goal-paths to the major future goal. While our emphasis is upon goals, the method lends itself to identifying problems, solutions, and problem-solutions. Because each level of goal generates subgoals or "branches," the format of this forecasting method produces its name:



A_1 Return of U.S. hostages unharmed

B_1 Keep hostages alive

B_2 Maintain direct contact with captors

C_1^1 Reduce perceived threat to captors

C_1^2 Direct supply of essentials to hostages

C_1^3 Control local friends hostile to captors

Figure 2. Relevance Tree Format

Several assumptions underpin the use of the Tree method for identifying the path to some future goal. First, a specific objective (goal or problem) must be articulated. Second, a hierarchial relationship between levels needs to be apparent. That is, the achievement of a subgoal precedes the attainment of a goal "higher" in the Tree. Three, the branches of one node are exhaustive. Four, the branches of the several nodes are mutually exclusive. And, five, there are at least two branches for each node.

The Tree method has two advantages for the potential participant in negotiations. First, the tool establishes goals and their interrelationships guides for action within bargaining. To achieve one goal some other

must also be achieved. However, since several branches exist for each node, the participant is faced with alternatives, or contingencies, from which to select the most appropriate or possible. Not one plan results, but several. Second, following the collection of information on the important topics for negotiation, including the opponent, a Tree for the opposition can be created. For example, the two Trees below display goals for labor negotiations.

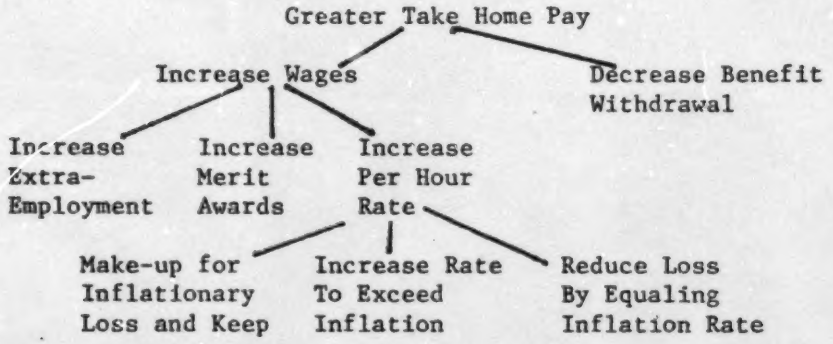


Figure 3. Relevance Tree: Worker Perspective

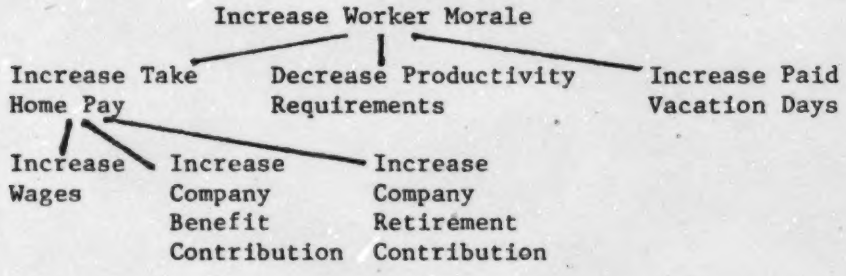


Figure 4. Relevance Tree: Management Perspective

Notice that the overall goal for bargaining differs but at least one sub-goal overlaps between the two guides for action--increase take-home pay. Granted, the opponent's Tree is based upon estimates. Further, as the negotiation proceeds and more is discovered about the position of the

opponent, corrective adjustments can be made in the original estamate of the opponents bargaining goals (Ehninger, 1970). The participant can compare the two Trees to determine (a) areas of similarity and potential agreement, (b) areas of dissimilarity but potential compromise, and (c) areas of dissimilarity in which disagreement can be expected. The Tree approach to bargaining, in Zartman's terminology, helps identify a "formula" for the negotiation.

Morphological Analysis

The Morphological Analysis approach generates numerous potential solutions to a well-stated problem. The technique assumes the problem can be broken into parameters which can be treated independently. Each parameter becomes a level with various solutions to the problem-part elements of the level. Once the elements to all levels have been identified, detailed solutions can be created by selecting an element from each of the levels. Evaluation of the several solutions occurs after the elements and levels have been created. The partial Morphological Analysis in Figure 5 uses topics which Mexican law specifies as mandatory subjects of bargaining: (Murg & Fox, 1978).

What is the best contract for Mexican workers on mandatory subjects of bargaining?

parameter P_1 $[P_1^1, P_1^2, P_1^3, \ldots P_1^n]$

parameter P_2 $[P_2^1, P_2^2, P_2^3 \ldots P_2^n]$

parameter P_3 $[P_3^1, P_3^2, P_3^3 \ldots P_3^n]$

parameter P_4 $[P_4^1, P_4^2, P_4^3 \ldots P_4^n]$

parameter P_K $[P_K^1, P_K^2, P_K^3 \ldots P_K^n]$

P_1 Length of Agreement:

- P_1^1 1 year
- P_1^2 18 months
- P_1^3 2 years
- P_1^n 5 years

P_2 Work Week:

- P_2^1 6 days
- P_2^2 5½ days
- P_2^3 5 days
- P_2^n 4 days

P_3 Workshifts:

- P_3^1 6am - 2pm/2 - 10/10am - 6pm
- P_3^2 7am - 3pm/3 - 11/9am - 7pm
- P_3^3 8am - 4pm/4 - 12m/12n - 8pm
- P_3^n 8 hours flextime with force equally distributed across the 24 hours

P_4 Rest and Vacation Days:

- P_4^1 52+7+6 for 1 year
- P_4^2 52+8+8 for 2 years
- P_4^3 52+9+10 for 3 years
- P_4^n 52+14+14 for 3 years

The optimum contract could be created by selecting the one preferred position from each of the levels. The total number of solutions possible would be the number of positions for each level times every other level. In the case above (forgetting the nth position and the Kth level) would be 3x3x3x3 = 81. In practice, the total number would be considerably

larger, several thousand perhaps. However, not all would be mutually acceptable to the bargainers. But, the technique does encourage the development of ranges of acceptable outcomes from which one side may bargain. The range of positions increases the opportunity for finding overlap between the two parties. Kapoor argues that bargaining strength is gained with increased alternatives (1975). The Morphological Analysis does help the negotiator (rhetor) to develop numerous alternatives and to place them in a form which permits contingent responses to proposals made at the table. Further, the analysis helps the negotiator meet the planning criterion articulated by Young (1975):

> ...he must have complete knowledge of his own preference ordering or utility function. That is, the individual must be able to construct a confident framing of the alternatives in his environment in terms of his preferences among them (19).

As with the Relevance Tree, estimated morphological boxes could be created for the opponent in negotiation, overlaid, and potential agreements, compromises and disagreements anticipated. To further enhance planning positions of the courts could also be estimated, overlaid with the other two, and contingent arguments developed. The Morphological Analysis assists the negotiator in "packaging" issues, an important technique in the creation of an agreement (IEA Report, 1978). The "boxes" visually display the several major issue areas of negotiation, exposing the way in which adjustments in some areas may lead to adjustments in others. The end result is an agreement in which the optimum possible collections of items may fall within an "acceptable" range for both parties.

For the rhetorical critic, the Morphological Analysis provides a framework for describing a range of arguments available to the rhetor.

While the critic may not wish to create several boxes for the opponents, post hoc awareness of the interaction should reveal a number of different positions presented, evaluated, claimed and conceded. If combined with an interaction analysis, such as the Bargaining Process Analysis developed by Walcott and Hopmann, the critic may be able to describe positions, substantive arguments and strategic choices made during the negotiation.

Conclusion

The purpose of this paper was to apply the concept of rhetorical invention to the preparation of participants for negotiations. To achieve that purpose, negotiation was described. Then the applicability of rhetorical conceptions to negotiation was affirmed using the "rhetorical quality" criteria advocated by Sharf. The specific rhetorical concept of invention was then described and topoi located within the negotiation process which could be used to generate arguments for the bargaining table. Finally, two forecasting tools, Relevance Trees and Morphological Analysis, were described and shown to be helpful in relating the discovered lines of argument into a package of goals and details to be bargained. The thesis has been that rhetorical analysis can aid the negotiator in discovering and utilizing arguments not in a fixed, invariant manner leading to bargaining impasse but to a contingent, flexible plan leading to agreement.

REFERENCES

American Entrepreneurs Association. Negotiating Techniques: IEA Special Report No. 328 Los Angeles, 1978.

Anton, F. Collective Bargaining in Britain Today: Pros and Cons of the New Legislation. Journal of Collective Negotiations, 1973, 21, 13 - 43.

Aubert, V. Courts and Conflict Resolution. Journal of Conflict Resolution, 1967, 11, 40 - 51.

Bartos, O.J. Simple Model of Negotiation: A Sociological Point of View. Journal of Conflict Resolution, 1977, 21, 565 - 579.

Cooper, L. (Trans.) The Rhetoric of Aristotle. New York: Appleton-Century-Crofts, 1960.

Cross, J.G. The Economics of Bargaining. New York: Basic Books, Inc., 1969.

Cross, J.G. Negotiating as a Learning Process. Journal of Conflict Resolution, 1977, 21, 581 - 606.

Ehninger, D. Argument as Method: Its Nature, Its Limitations and Its Uses. Speech Monographs, 1970, 37, 101 - 110.

Hankin, J. N. Preparing for Table Negotiations. In Handbook of Faculty Bargaining, G. W. Angell, E. P. Kelly (eds.). San Francisco: Jossey-Ball, 1977, 143 - 158.

Hencley, S.P. & J.R. Yates. Futurism in Education: Methodologies. Berkeley, Calif.: McCutchan Publishing, 1974.

Huseman, R.C. Modern Approaches to the Aristotelian Concept of the Special Topic. Central States Speech Journal, 1964, 15, 21 - 26.

Kapoor, A. Planning for International Business Negotiation. Cambridge, Mass.: Ballinger Publishing, 1975.

Kemerer, F.R. Understanding Faculty Unions and Collective Bargaining. Boston: National Association of Independent Schools, 1976.

Martino, J.P. Technological Forecasting for Decisionmaking. New York: American Elsevier, 1972.

Murg, G.E. & J.C. Fox Labor Relations Law: Canada, Mexico and Western Europe (vol. I.). New York: Practising Law Institute, 1978.

Nader, L. & H.F. Todd (Eds.). The Disputing Process -- Law in Ten Societies. New York: Columbia University Press, 1978.

Nierenberg, G.E. Fundamentals of Negotiating. New York: Hawthorn Books, 1973

Peterson, M.W. Decision Type, Structure, and Process Evaluation: A Contigency Model. Higher Education, 1976, 5, 113 - 124.

Pospisil, L. Legal Levels and Multiplicity of Systems. Journal of Conflict Resolution, 1967, 11, 2 - 26.

Reiches, N.A. & H.B. Harral. Argument in Negotiation: A Theoretical and Empirical Approach. Speech Monographs, 1974, 41, 36 - 48.

Rubin, J.Z. & B.R. Drown. The Social Psychology of Bargaining and Negotiation. New York: Academic Press, 1975.

Sharf, B.F. Rhetorical Analysis of Nonpublic Discourse, Communication Quarterly, 1979, 27, 21 - 31.

Skolnick, J.H. Social Control in the Adversary System, Journal of Conflict Resolution, 1967, 11, 52 - 70.

Spector, B.I. Negotiation as a Psychological Process. Journal of Conflict Resolution, 1977, 21, 607-618.

Strauss, A. Negotiations: Varieties, Contexts, Processes, and Social Order, San Francisco: Jossey-Bass, 1978.

Theye, L.D. & W.J. Seiler, Interaction Analysis in Collective Bargaining: An Alternative Approach to the Prediction of Negotiated Outcomes. In Communication Yearbook 3, D. Nimmo (ED.) New Brunswick, N.J.: Transaction-ICA, 1979, 375 - 394.

Walcott, C. & P.T. Hopmann. Interaction Analysis and Bargaining Behavior. Experimental Study of Politics, 1975, 4, 1 - 19.

Walcott, C., P.T. Hopman and T.D. King. The Role of Debate in Negotiation. In D. Druckman (Ed), Negotiations: Social-Psychological Perspectives. Beverly Hills, California: Sage, 1977.

Wallace, K.R. Understanding Discourse: The Speech Act and Rhetorical Action. Baton Rouge: Louisiana State University Press, 1970.

Wall Street Journal. Labor Leader: Mexico's Valazquez has Power Even in Foreign Policy, March 26, 1980, 19.

Wall Street Journal. Japanese Unions This Year Put Priority on Fighting Inflation, Not on Wage Rises, Friday, April 4, 1980, 10.

Young, O.R. (Ed.). Bargaining: Formal Theories of Negotiation. Urbana, Ill.: University of Illinois Press, 1975.

Zartman, I.W. Negotiation as a Joint Decision-Making Process. Journal of Conflict Resolution, 1977, 21, 619 - 662.